

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: 09/15/06		2 Serial/Patent # 08/842,827		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
X	Petition	IFW	04/03/06	\$ 750.00
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
	Other			\$
			7 TOTAL AMOUNT OF REFUND	\$ 750.00
10 REASON:		8 TO BE REFUNDED BY:		
	Overpayment	Treasury Check		
	Duplicate Payment	Credit Deposit A/C #:		
X	No Fee Due (Explanation):	9 1 9 -- 0 7 4 1		
Abandonment withdrawn, Petition GRANTED under 1.181				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: Patricia Faison-Ball		TITLE: ATTORNEY		
SIGNATURE: <i>Patricia Faison-Ball</i>		PHONE: 2-3212		
OFFICE: PETITIONS				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <i>[Signature]</i>		DATE: 9/18/06		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



JAC ZTW

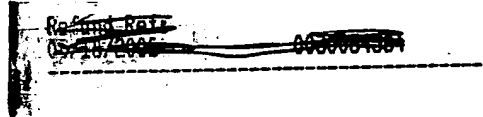
Atty. Dkt. No. 077319-0125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David W. LEUNG *et al.*  
Title: HUMAN PHOSPHATIDIC ACID PHOSPHATASE  
Appl. No.: 08/842,827  
Filing Date: April 17, 1997  
Examiner: Rebecca E. PROUTY  
Art Unit: 1652

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450



Attn: OFFICE OF PETITIONS

Sir:

The above-identified application became abandoned on February 28, 2006 for failure to timely submit payment of the issue fee.

Applicants hereby petition for revival of this application. A grantable petition requires the following items:

Refund Ref: 05/18/2006 0030034584  
Credit Card Refund Total: \$750.00

(1) **Required reply and/or fee.**

A credit card payment in the amount of \$700.00 (small entity) to cover the costs of payment of the issue fee is enclosed.

(2) **Petition fee (37 C.F.R. § 1.17(m))**

Also a credit card payment in the amount of \$750.00 (small entity) is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

Applicants hereby submit that The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper

Adjustment date: 09/18/2006 CKH/LK  
04/05/2006 MBEYENE2 00000104 08842827  
02 FC:2453

-750.00 OP

04/05/2006 MBEYENE2 00000104 08842827  
02 FC:2453

750.00 OP

payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) **Statement that the abandonment was unintentional.**

Applicants hereby state that the Notices of Allowance and Allowability and the Notice of Issue and Publication fees due was not received until March 6, 2006.

Attached is a copy of the reverse side of the first page of the PTOL-85 reflecting the date, March 6, 2006, on which the Notices of Allowance and Allowability were date-stamped by docketing personnel as being received in the offices of Foley & Lardner LLP.

The attached copy of the Notices of Allowance and Allowability indicate that payment of the issue fee was due by no later than February 28, 2006. However, since the notice was not received until March 6, 2006, the case has automatically become abandoned for Applicants' failure to timely pay the issue fee within three (3) months of the Notice of Allowance.

Also attached is a Declaration of Susan Spina, docketing specialist at Foley & Lardner LLP, attesting to the date that the Notice was received.

In addition, Applicants also submit a "docketing report" reflecting all of the U.S. patent correspondence received and recorded in the docketing system from November 29, 2006 through March 6, 2006. Highlighted in yellow is the date on which the Notice for the above-identified application was received.

Applicants submit that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

(4) **Any required terminal disclaimer (37 C.F.R. § 1.137(c)).**

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

**REMARKS**

In view of the foregoing and following remarks, Applicants submit that the entire delay in making payment of issue fee by February 28, 2006 was unintentional, as the Notice was not received until March 6, 2006. Applicants have attached the issue fee transmittal form and payment and, therefore, request that the instant application be passed to issue. Applicants also submit a request for refund of the petition fee, as the Notice was not received by Applicants' undersigned representative until after payment of the issue fee was due.

Respectfully submitted,

Date 3 April 2006

By Stephen A. Bent

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